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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,094

12/27/2004

Paulus Maria Smeets

2004-1048

9003

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EXAMINER

RASHID, MAHBUBUR

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,094	SMEETS ET AL.	
	Examiner	Art Unit	
	MAHBUBUR RASHID	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/27/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

All claims are riddle with minor/grammatical errors. For example:

Claim 1 is objected to because of the following informalities: in line 10, “characterised” should be --characterized--. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: in line 12, “minimal thickness” – is not clear. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: in line 13, “a transverse means” - is not clear if the applicant is referring it to the transverse elements or a different transverse means; if it is the transverse elements than it should be --the transverse elements--. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: in line 10, “characterised” should be --characterized--. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: in line 12, “the width of which strap like means” – is not clear. The applicant is not consistent with the name of each limitation. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: in line 3, “or of” should be --or--. Appropriate correction is required.

Claim 4 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 4 is objected to because of the following informalities: in line 7, “on to the” should be --on the--. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: in line 2, “is of” should be --has--. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: in line 3, “0,25” should be --0.25--. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: in line 3, “0,1” should be --0.1--. Appropriate correction is required.

Claim 6 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: in line 2, “the element thickness” – is not clear which element the applicant is referring to. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: in line 3, “0,20” should be --0.20--. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: in line 3, “1,5” should be --1.5--. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: in line 3, “the element” – is not clear which element the applicant is referring to. The applicant is not consistent with the name of each limitation. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: in line 3, “the element” – is not clear which element the applicant is referring to. The applicant is not consistent with the name of each limitation. Appropriate correction is required.

Claim 11 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 12 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 12 is objected to because of the following informalities: in line 5, “means” should be --elements--. The applicant is not consistent with the name of each limitation. Appropriate correction is required.

Claim 13 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 14 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 14 is objected to because of the following informalities: in line 2, “the maximum element height” – is not clear which element the applicant is referring to. Appropriate correction is required.

Claim 15 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 15 is objected to because of the following informalities: in line 2, “thermoset” should be --thermo set--. Appropriate correction is required.

Claim 16 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: in line 2, “characterised” should be --characterized--. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: in line 8, “the elements” – is not clear which element the applicant is referring to. The applicant is not consistent with the name of each limitation. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: in lines 11 and 13, “an element” – is not clear which element the applicant is referring to. The applicant is not consistent with the name of each limitation. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: in line 12, “the element” – is not clear which element the applicant is referring to. The applicant is not consistent with the name of each limitation. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: in line 14, "tensile element" should be --tensile element--. The applicant is not consistent with the name of each limitation. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: in line 10, "0,05" should be --0.05--. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: in line 10, "0,25" should be --0.25--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 8, 15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 1**, in line 11, "a flat strip or sheet like" - is not clear.

Claim 2 recites the limitation "the level" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Regarding **claim 3**, in line 3, "preferably spring type metal or of a UD-material" - is not clear.

Regarding **claim 4**, the claim itself is not clear and confusing how a small layer of elastically deformable material is located in a contact between the tensile element and a transverse element.

Regarding **claim 5**, it is not clear and confusing what exactly is the thickness of the tensile means. Furthermore the applicant is not consistent with the name of each limitation.

Claim 8 recites the limitation "the intermediate body" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding **claim 15**, in line 3, "acetals (POM) or high tech thermoplastic or thermoset engineering plastics" - is not clear which one is it.

Claim 17 recites the limitation "Endless pull belt" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood of the claimed limitations, the **claims 1-17** are rejected under 35 U.S.C. 102(b) as being anticipated by David Bernard (WO 8301665).

Regarding **claim 1-17**, Bernard discloses a dive belt (fig. 1, (1); see also the abstract), a flat strip or sheet like tensile means (figs. 1 and 2, (1); see also the abstract), transverse elements (figs. 1 and 3, (4); see also the abstract) and which elastically deformable material (fig. 1, (3), (3c) and (3d); see also the abstract) is included between the tensile means (figs. 1 and 2, (1); see also the abstract) and the

transverse elements (figs. 1 and 3, (4); see also the abstract) and a width of the tensile means (figs. 1 and 2, (1); see also the abstract) corresponding to the width of the transverse elements (figs. 1 and 3, (4); see also the abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

GB 196465

GB 574189

US 2,322,466

US 4,773,896

US 5,971,879

US 4,484,903

US 6,283,882 B1

US 6,306,055 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHBUBUR RASHID whose telephone number is (571)272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mhr

/Robert A. Siconolfi/
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